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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,331	02/15/2002	Francois Martin	PHF 97,628A	2441

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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,331

Applicant(s)

MARTIN, FRANCOIS

Examiner

Shawn S An

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Remarks

1. Applicant's submission of the terminal disclaimer as filed on 8/29/03 in Paper 5, has been acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3, and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Egawa et al (5,534,944).

Regarding claims 1 and 3, Egawa discloses a method of switching from a first video sequence to a second one, wherein an additional sequence of K pictures is inserted at the switching point between two sequences, K having a value sufficient in order to have compatible sequences of K uniform color pictures and the additional pictures being coded with few number of bits (Fig. 6; col. 6, lines 49-67; col. 7, lines 1-15).

Regarding claim 7, Egawa discloses MPEG-2 standard (col. 1, lines 29-64).

Regarding claim 8, Egawa discloses a control means for a selective switch over of the bitstream (412).

Regarding claim 9, Egawa discloses a switching device comprising selecting means provided for a selective switch over of the bitstream (Fig. 5).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egawa et al (5,534,944) in view of Chen et al (5,917,830).

Regarding claim 2, Kim does not specifically disclose an old sequence being replaced by a new ones is cut on a P picture, at a first switching point, and a sequence of K minimal P pictures is then inserted.

However, Chen discloses a well known concept comprising; (a) an old sequence to be replaced by a new ones being cut on a P picture, at a first switching point, and a sequence of K minimal P pictures is then inserted (Abstract, lines 7-15); and (b) after this sequence of additional pictures, at a second switching point the new sequence is inserted (Abstract, lines 11-22).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a method of switching from a first video sequence to a second one as taught by Egawa et al to incorporate the well known concept of replacing the old sequence by the new ones on a P picture, at a first switching point, and a sequence of K minimal P pictures being then inserted as taught by Kim in order to prevent a discontinuity at the decoder.

Regarding claim 4, the Examiner takes official notice that it is considered well known feature, wherein the sequence is a sequence of pictures that are copies of a previous I or P picture in order to reduce the size of bits.

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Allowable Subject Matter

6. Claim 5 is objected to as being dependent upon a rejected base claim 1, but would be allowable: if claim 5 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims. Dependent claim 5 recites the novel feature of steps wherein the second sequence is cut at a third switching point, in order to be replaced by the first one, and at the third switching point additional pictures are similarly inserted until the first old picture to occur is an I picture, the first old sequence being then re-inserted.

The art of record fails to anticipate or make obvious the novel feature as specified in the claim 5. Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Monday through Thursday and not at work on Friday.



SHAWN S. AN
PATENT EXAMINER

SSA

November 4, 2003